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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,540	03/31/2004	Buck A. Pate	P-8242	7410
7590	07/19/2007			
John C. Cave Gunn & Lee, P.C. Suite 1500 700 N. St. Mary's St. San Antonio, TX 78205			EXAMINER FOX, CHARLES A	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,540

Applicant(s)

PATE, BUCK A.

Examiner

Charles A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,10-13 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-5,9,14,15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 30, 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. It is not clear what is being claimed here, is this a method of using the device or an apparatus claim? The preamble sets forth an apparatus, as such the claim is treated only on the claimed structure which is found in claim 1. Clarification is required.

Claims 11-16 and 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 11 the second step in the method (line 4) is lowering the portable vehicle display. This is not clear as the specification states the device is moved from location to location in the lowered position. If so this step is

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redundant as the display is lowered prior to movement to a desired location.

Clarification is required.

Further the last line of claim 11 reverses the preceding three steps, where in fact 4 steps are provided in the preceding portion of the claim. The step supporting the structure also appears to be out of sequence with the operation as disclosed, as the display platform is raised prior to using the outriggers in the claim. Clarification is required. Claims 12-16 and 18 are rejected based on their dependency on claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. in view of Kuhn. Regarding claim 1 Baldwin et al. US 4,724,875 teaches a portable vehicle lift comprising:

a portable base having leveling jacks (35) on the corners thereof;

a frame carried by said base;

a parallelogram structure pivotally attached to said frame;

a platform (42) pivotally attached via platform supports to and forming atop of said parallelogram structure;

an extender coupled to said a first and a second side of said parallelogram structure; wherein extension of said extender raised the platform and retraction of the

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extended lowers the platform relative to said portable base. Baldwin et al. does not teach outriggers for side support of their device. Kuhn US 3,854,595 teaches a mobile hoist with a plurality of outriggers(5a) with leveling devices on an end thereof. It would have been obvious at the time of invention to provide the device taught by Baldwin et al. with outriggers as taught by Kuhn in order to widen the support base of the device thereby allowing the device to have a higher center of gravity without tipping over.

Regarding claim 2 Baldwin et al. also teach the extender as being a hydraulic cylinder.

Regarding claim 7 Baldwin et al. also teaches the base as being mounted on wheels.

Regarding claim 10 Baldwin et al. teach the structure as claimed and further their structure is capable of performing the functions as nominally claimed.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. and Kuhn as applied to claim 1 above, and further in view of Kozak. Baldwin et al. and Kuhn teach the limitations of claim 1 as above, they do not teach a rotating display platform. Kozak US 2003/0138309 teaches a display lift for a vehicle comprising:

bearings between a platform support and a display platform;

a motor connected to gears for rotating said display platform with a vehicle thereon. It would have been obvious at the time of invention to provide the device taught by Baldwin et al. with a rotating platform as taught by Kozak in order to rotate the displayed vehicle at a plurality of different angles.

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. and Kuhn as applied to claim 7 above, and further in view of Vanderklaauw. Baldwin et al. and Kuhn teach the limitations of claim 7 as above, they do not teach providing their device with guy wires. Vanderklaauw US 6,425,712 teaches a vertically raised support structure with a plurality of guy wires (72) being provided for stability. It would have been obvious at the time of invention to provide the device taught by Baldwin et al. with guy wires as taught by Vanderklaauw in order to support the device when in its elevated position.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin in view of Clark and further in view of Kozak. Baldwin et al. teaches a method of raising a car on a lift comprising:

- moving a portable base to a desired location;
- lowering a vehicle platform;
- driving the vehicle onto said platform;
- raising the platform and said vehicle;
- supporting the base and said platform in a plurality of directions via corner jacks on said base;
- wherein said raising step involves moving opposite sides of a parallelogram structure away from one another;

reversing the above steps to remove a car from said device. Baldwin et al. does not teach providing outriggers on their device or rotating the vehicle platform. Clark US 4,171,120 teaches a method of operating a lift device wherein outriggers are provided

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on the lower frame of a lift to provide addition support. Clark does not teach rotating the lift platform. Kozak teaches a method of displaying a car comprises the steps:

- lowering a vehicle lift to ground level;
- driving a vehicle onto a display platform;
- raising the platform to an elevated height;
- rotating the platform;

reversing the above steps for removing a vehicle from the device. It would have been obvious at the time of invention to modify the methods taught by Baldwin et al. by providing outriggers as taught by Clark to provide additional stability and to further rotate the platform as taught by Kozak in order to display the vehicle.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al., Kuhn and Kozak as applied to claim 16 above, and further in view of Vanderklaauw. Baldwin et al. teach the limitations of claim 16 as above, they do not teach providing their device with guy wires. Vanderklaauw teaches a method of supporting a vertically raised support structure with a plurality of guy wires (72) being provided for stability. It would have been obvious at the time of invention to provide the device taught by Baldwin et al. with guy wires as taught by Vanderklaauw in order to support the device when in its elevated position.

Response to Amendment

The amendments to the claims filed on April 30, 2007 have been entered into the record.

Allowable Subject Matter

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Claims 3-5,9,14,15 and 18 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3,9 and 14 have the limitation of the frame member which forms the lower portion of the parallelogram as being slidable within the base member. This is not taught or suggested by the closest prior art of Baldwin et al.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 573-272-6923. The examiner can normally be reached on Mon-Thurs 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 573-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chm 6/20/07 7-17-07
Charles A. Fox
Primary Examiner
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